

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

AGA Medical Corp.,)	
)	
Plaintiff,)	No. 0:10-cv-03734-JNE-JSM
)	
v.)	DECLARATION OF
)	JONATHAN BRENNER
W. L. Gore & Associates, Inc.,)	
)	
Defendant.)	
)	

I, Jonathan Brenner, hereby declare as follows:

1. I am the director of global health economics and reimbursement at St. Jude Medical's Cardiovascular Division. From May 2010 until January 2011, I was director of health economics and reimbursement at AGA Medical, and following AGA Medical's acquisition by St. Jude Medical, I assumed my current role in January 2011. This declaration is made on my own personal knowledge, except as otherwise indicated.

2. I attended the 8th International Workshop on Interventional Pediatric Cardiology ("IPC") in Milan, Italy, earlier this year. I also was an invited scientific presenter and faculty member at the IPC. The IPC essentially is a large conference attended by persons interested in interventional pediatric cardiology. A true and correct copy of the IPC program is attached hereto as Exhibit 1.

3. As indicated in the program of Exhibit 1, IPC attendees have the opportunity to attend various general morning and afternoon sessions and/or more specific lunch-time sessions. The general sessions were held in a large conference room (estimated capacity around 500 people), while the lunch-time sessions were held in smaller rooms. Attendees are not required to attend all—or necessarily any—of the various sessions.

4. During the "Aortic Arch Obstructions" general session on April 1, 2011, Dr. Mario Carminati interrupted the session and made an approximately 5-minute long, seemingly impromptu presentation (it was not scheduled on the program) concerning a new Gore septal occluder that he described or referenced as having or being a "5-Wire Occluder Frame." I did not and would not have expected any presentations about such an occluder to be made during the Aortic Arch Obstructions session.

5. Dr. Carminati's presentation included some slides. However, none of the slides presented by Dr. Carminati were distributed to the audience. I attempted to take a picture of one of the slides, and my cell phone image of that slide is attached hereto as Exhibit 2.

6. I do not recall any detailed images of the new Gore 5-wire septal occluder being shown. Nor do I recall any detailed description of the new Gore 5-wire septal occluder device, such as how it was constructed or how it was similar to or different from the Gore HELEX® Septal Occluder (other than it presumably had five wires while the HELEX® occluder has, to my knowledge, only one wire). My impression was that this 5-wire septal occluder would replace the HELEX® septal occluder.

7. I did not see any physical 5-wire septal occluder devices during the IPC, and I am not aware of any 5-wire septal occluder devices being on display or otherwise available during the IPC.

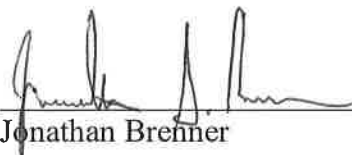
8. I have asked the IPC for access to presentations made during the course of the IPC, but have not been able to obtain access to the slides presented by Dr. Carminati concerning the new Gore 5-wire septal occluder.

9. I am not responsible for making any determinations associated with asserting any patent rights, such as any claim for patent infringement, or whether to engage in patent infringement litigation at AGA Medical or St. Jude Medical.

10. I have never seen a physical Gore 5-wire septal occluder device or any detailed description of such a device and how it compares or contrasts with the HELEX® septal occluder.

I state under penalty of perjury that the foregoing is true and correct.

Dated: July 1, 2011


Jonathan Brenner